

**ADVISORY COMMISSION OF SPECIAL EDUCATION**

September 28, 2000  
**MEETING MINUTES**

APPROVED 10/20/00
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CALIFORNIA DEPARTMENT OF EDUCATION  
721 CAPITOL MALL, ROOM 166A&B  
SACRAMENTO, CA 95814

**Thursday, September 28, 2000**

**Commission Members Present**

Loeb Aronin, Chair  
Allison Brightman  
Angela Hawkins  
Julie Kennedy  
Barbara Monroe  
Linda Wyatt

Louis Cassani, Vice-Chair  
Patricia Flores-Charter  
Shirley Kaltenborn  
Janet Mangini  
Lawrence Siegel

**Commission Members Absent**

Karla Geller  
Judith Plasencia-Peinado

Veronica Lomeli

**Student Member Present**

Danielle Morin

**Student Members Absent**

Shawn Mohammed  
Sam Ogami

**Legislative Members Absent**

Charles Poochigian, Senate Member

Susan Davis, Assembly Member

**Governor's Office, Deputy of Education K-12, Liaison Absent**

Christine Aranda

**State Board of Education Liaison Absent**

Susan Hammer

Kathryn Dronenburg

**Department of Education Staff Present**

Alice Parker, Executive Secretary  
Director, Special Education Division

**Department of Education Staff Absent**

Ronald S. Kadish, Director,  
State Special Schools

**Department of Education Staff Present**

Advisory Commission on Special Education  
September 28-29, 2000

Janet Canning, Staff Liaison

Yolanda Starr, Commission Secretary

**Thursday, September 28, 2000**

**CALL TO ORDER**

Chair Loeb Aronin called the meeting to order at 8:36 a.m. Roll was taken and a quorum was present.

**INTRODUCTIONS/ANNOUNCEMENTS**

Chair Aronin introduced Patricia Flores-Charter and Julie Kennedy, two newly appointed members of the Commission:

Patricia Flores-Charter, Coordinator of Disability Support Services, Southwestern College, San Diego, California, commented she is an officer on the Counseling Association of Postsecondary Education and Disability. Ms. Flores-Charter is a parent member of four children, the eldest who is a high school senior, has a learning disability and Attention Deficit Disorder. Ms. Flores-Charter's career in special education began in 1976 including general and special education in elementary and secondary levels. She has taught in California as well as out of state.

Julie Kennedy is serving her second term as a school board member in Mill Valley, California. Commissioner Kennedy has three children, her eldest (23) daughter is severely hearing impaired and is a student at California State Northridge. Her second oldest son (19) attends community college in Portland, Oregon and her youngest (17) is also learning disabled and attending Santa Rosa Junior College. Commissioner Kennedy's interest in being a Commissioner stemmed from wanting to have changes in the Due Process Hearing and Mediation System in terms of having the process be more "user friendly." She is the delegate representative for the California State Employees Association (CSEA) for the California School Board Association.

**OPERATIONS & PLANNING MEETING REPORT**

The Operations and Planning meeting was held on Wednesday evening, September 27, 2000. Points of discussion were:

- Discussion of the November stakeholders' meeting was moved up to 1:00 p.m. on the agenda for Thursday, September 28. Special Education Consultant Kathy Moroney would not address the Commission this month.
- Caitlin O'Halloran, Governmental Affairs Office, California Department of Education would speak in place of Erika Hoffman on Friday, September 29.
- New appointees to the Commission were introduced.
- Representation from Special Education Local Plan Area (SELPA) at Commission meetings.
- Brief discussion of stakeholders' meeting in November.
- Recognition dinner at the Queen Mary Hotel, Long Beach for former Commissioners Natalye Black, Philip Chinn, Kendra Rose, Janice Emerzian, Larry Komar and Tim McNulty. Student Member Danielle Morin volunteered to participate in organizing the dinner.
- Recommendation to have Chris St. Hilare attend the stakeholder meeting in October. Mr. St. Hilare is a legislative consultant who attended the O&P meeting in July.
- Agenda items for the coming year.
- High School Exit Exam update to be given during Friday's agenda.

- Commissioner attendance at State Board of Education meetings.
- Commissioners will sign up to attend State Board of Education meetings.
- Chair Aronin contacted the Commission's appointing bodies: Governor's Office, Assembly, Senate and State Board of Education asking for representation at Commission meetings.
- Meet with interim Secretary for Education John Mockler.

### **CHAIR REPORT**

Chair Aronin attended the Youth Leadership Forum Mentoring luncheon in August. Two students from the Forum were contacted for participation in the Commission.

Secretary for Education Liaison Dr. Christine Aranda contacted Chair Aronin for issues the Commission was currently involved in regarding special education. A letter was sent to Dr. Aranda indicating the goals the Commission will be addressing in 2000-01: 1) Join the major stakeholders in California to develop a broad coalition to address a fundamental change in educational funding, 2) Implications of the high school exam, 3) Policies relating to retention and promotion of special education students, 4) Accommodations and modified grading procedures, 5) Parent-friendly changes in the Due Process and Hearing Mediation System, 5) California Department of Education's (CDE) monitoring of Special Education Local Plan Areas (SELPA), 6) Work closely with CDE in enforcing federal and state laws relating to special education, 7) Continue addressing State Board of Education regarding overcrowding in special education classes, 8) Shortage of skilled language specialists, school psychologists and other service providers, 9) Alternative strategies to identify students with learning disabilities, and 10) Monitor new legislation.

### **COMMISSIONER REPORTS**

Commissioner Angela Hawkins reported San Diego County had been experiencing an increase in foster family and Licensed Children's Institutions (LCI) students, who are wards of the courts. These students do not have parents but do have advocates. A nonpublic school on the hospital grounds serves these students. Commissioner Hawkins asked that a presenter address the Commission on the possibility of redirecting nonpublic school funds spent at licensed care institutions back to the public schools that could be used to provide an appropriate program. Commissioner Hawkins cited an example: There was only one credentialed teacher at nonpublic school operating on hospital grounds. By state law, only one credentialed teacher is required. Commissioner Hawkins stated she would like to have the standards be increased for those nonpublic schools operating on hospital grounds. Under the current law, public schools serving licensed care institutions get 100% funding. Chair Aronin stated this would be a future agenda item possibly for the October 2000 meeting.

### **LIAISON REPORTS**

There were no liaison reports.

### **STUDENT MEMBER'S REPORT**

Student Member Danielle Morin distributed to the Commission articles she wrote during the summer. Ms. Morin reported she attended the National Leadership Conference in Washington, D.C. for people with disabilities. She sat in on a Dale Carnegie workshop and found it to be "outstanding." Ms. Morin assisted with providing information about the Individuals with Disabilities Act (IDEA) and the Americans

with Disabilities Act (ADA). Ms. Morin met with Senators Barbara Boxer and Dianne Feinstein, and Congress Woman Loretta Sanchez regarding the high school exit exam issue. In addition, Ms. Morin may be an intern for Loretta Sanchez during the summer of 2001. Student Member Morin requested a phone number for a contact person on the high school exit exam since she had been receiving numerous questions on this issue. A contact person and phone number regarding social security benefits for students with disabilities was another request Ms. Morin received during the summer. Ms. Morin informed the Commission about *The Special EDge*, a special education publication that highlighted her and Student Member Shawn Mohamed.

Questions/Comments:

Chair Aronin complimented Student Member Morin in her willingness to address issues directly and for her open contribution to the Commission.

**APPROVAL OF MAY MINUTES:**

Correction: Student Member Morin did not attend the Commission meeting on Friday, May 19, 2000. The minutes will corrected as noted.

**M/S/C 00-09-01**

**MOTION TO APPROVE THE MAY 2000 MINUTES AS CORRECTED.**

**Siegel/Mangini**

**PUBLIC INPUT:**

Bob Farran, Director, Southwest SELPA, Lawndale, California updated the Commission on SELPA organizational activities. Mr. Farran commented that SELPA spent 1999 reorganizing internally and stated that extensive work regarding compliance was accomplished under the direction of Dr. Alice Parker and her staff in the Special Education Division. Mr. Farran was complimentary of Dr. Parker's staff in allowing SELPAs to have input into the process. Representatives from SELPA would be attending Commission meetings on a monthly basis. John Hess is the new SELPA director of the Whittier Area Cooperative SELPA. Priorities for 2000 include:

- Continue to work for federal funding.
- Encourage the ACSE to use its leadership to work with the stakeholders on coming to a consensus regarding the use of new federal dollars.
- Equitable treatment of SELPAs and funding for county offices of education. Mr. Farran stated the county offices consisted of the most fragile and low incidence students and district programs.
- New models for the Local Plan have been developed for special day class, among others. There are variations on themes of learning centers, preventive programs, and other options.
- Continue to work with charter schools regarding clarity on their destination in SELPA.
- New methods to resolve disputes at the lowest level, whether it be an alternative dispute resolution or administrative review at local level.
- Support for new SELPA directors—monthly training.
- Seek legislation on LCIs and nonpublic schools.

Questions/Comments:

There was a comment of concern and disappointment regarding SELPA's opposition to the Commission's work toward legislation for class size reduction.

In response, Mr. Farran expressed that SELPAs were concerned with how funds were used rather than targeting funds for one program. Relationship with stakeholders was important to SELPAs, and that the bill's authors did not respond to issues SELPA had. Mr. Farran stated SELPAs want creative options for the issue of class size reduction. The SELPAs' consensus was that the legislation would limit creativity. Mr. Farran stated he as well as John Hess, SELPA Chair promoted efforts in working with the Commission toward the same goals.

Regarding charter schools, Mr. Farran stated there are liaisons that work with both the SELPA and the charter schools. In addition, Dr. Alice Parker and her staff at the Special Education Division have shared language with the SELPA for the local plans on how charters schools would be part of a SELPA.

Dr. Alice Parker, Director, Special Education Division (SED), commented there was a joint committee at the California Department of Education (CDE) that is working to determine the role for special education and charter schools. Members of the committee include several SELPA directors, Education Finance members, charter school organizations and others. The committee will meet the week of October 2, 2000 to make recommendations. Dr. Parker stated she would share the recommendations with the Commission at its November meeting.

The Program Policy Committee co-chairs planned to invite representatives from charter schools to either the October or November Commission meetings.

Mr. Leo Sandoval, former director of the Special Education Division, spoke to the Commission as a representative of the California State Federation Council for Exceptional Children (CSF/CEC). In addition, Mr. Sandoval stated the 22<sup>nd</sup> Annual Fall Conference 2000 will be held at the Double Tree Hotel, Sacramento on October 25-28, 2000. The Conference is sponsored by the Credential Counselors and Analysts of California and the California Commission on Teacher Credentialing. Mr. Sandoval commented former Commissioner Kendra Rose would be presenting on High School Exit Exams. There would be sessions on charter schools, English learners, Office of Special Education Programs (OSEP) regarding the Office of Civil Rights. Mr. Sandoval thanked the Commission for its letter of support for the Conference.

Annual Report:

Mary Grady, RiSE Project Coordinator, Sonoma State University, distributed copies of the newly published 1999-2000 Annual Report to the Commissioners for their review. A limited number of copies had been published and more would be published for distribution at the Commission's November meeting in Long Beach.

Mandated Responsibilities of The Commission: Chair Aronin read from Education Code Section 365.2 regarding the Commission's responsibilities:

- Advise the CDE of unmet needs regarding education of children with disabilities within the state.
- Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities.
- Advise the Department in developing evaluations and reporting of data to the secretary at the federal level.
- Advise the CDE in developing corrective action plans to address findings identified in the federal monitoring report. (This was a major item in terms of compliance and the Commission would work closely with the CDE on this.)
- Advise the CDE in developing and implementing policies relating to the coordination of services to children with disabilities; advise eligible students with disabilities in adult prisons.

Chair Aronin also read from Education Code 33595(4b) in relation to the Commissions responsibilities:

- The federal responsibility of the Commission is to report to the State Board of Education, State Superintendent of Public Instruction, Legislature, and Governor no less than once a year on numerous activities under Section 56100 that are necessary to the undertaking of special education of individuals with exceptional needs.
- Report the priorities and procedures utilized in the distribution of federal and state funds.
- Report the unmet educational needs of individuals with exceptional needs.
- Make recommendations on providing better education services to individuals with exceptional needs including but not limited to the development, review and revision of the definition of “appropriate” as in the term “free and appropriate” public education for the purpose of the federal Individuals with Disabilities Educational Act (IDEA).

Chair Aronin stated these were the items the Commission needed to focus on and he would discuss this with the Committee Co-Chairs.

During the November 2000 meeting, the Commission plans to bring together a variety of stakeholders including the Legislature, SELPAs and other organizations to target major issues, including finance, facing special education. The focus would be on changes, improvements and the process involved. Chair Aronin will get the committees together to divide the tasks involved in arranging this effort. A preliminary meeting of stakeholders will be held during the Commission’s October meeting at the California School for the Blind in Fremont.

### **PROGRAM/POLICY COMMITTEE:**

**Discussion: November 2000 Stakeholders’ Meeting:** Commissioner Larry Siegel stated he and Commissioner Allison Brightman had prepared a letter to all stakeholders in special and general education to develop a coalition that would target additional funding for issues on accountability, exit exams and mandates. Commissioner Siegel voiced concern on various points:

1. Purpose of the meeting
2. Changes in the letter to stakeholders
3. List of invitees
4. Clear agenda
5. Written information to stakeholders prior to meeting
6. Facilitator for the meeting
7. Having a three-person panel speak to the Commission on amount of funding needed.
8. Number of groups necessary for the November meeting

It was decided to have a preliminary meeting in October to determine how many groups would participate in November.

California Association of Resource Specialists and Special Education Teachers (CARS+), representative Debbie Baehler stated CARS+ sent out a survey via mass mailer to every school in California. Two hundred responses were received. There were 41 responses that were within caseload limits- 160 exceeded the caseload limitation. Mrs. Baehler commented CARS+ was gathering data to present to the Department regarding the caseload of special education teachers. In addition, Mrs. Baehler expressed to the Commission that AB 570 and AB 1925 were successful in that they brought the issues facing special education to the forefront. CARS+ had also been working on getting the parent population involved.

Ed Amundson, California Teachers Association Liaison, commented that members of Congress were discussing moving IDEA to entitlement as opposed to the grant process IDEA had been under. This could lead to additional funding. In addition, CTA has taken a “watch” position on caseload issues and this will now allow CTA lobbyists to work with stakeholders.

Commissioner Siegel reiterated the purpose of the October meeting was to have a preliminary discussion on broad issues regarding adequate funding in education, not to discuss difficulties in class size or specific issues. It was decided to send a letter to stakeholders with a response form included.

**The Effect of Proposition 38 on Special Education Programs: Brian Bennett, Local Choice 2000 Campaign, San Diego, California and Maureen Burness, Assistant Superintendent, Special Education Local Plan Area (SELPA), Auburn, California,** shared, with the Commission, their viewpoints on Proposition 38.

Mr. Bennett briefly described his background as being a site principal for 22 years in private education in the Los Angeles area. For the last three years, Mr. Bennett has worked for a nonprofit education foundation in assisting for the establishment of public charter schools in California and other areas. The following were some of Mr. Bennett’s reasons for supporting Proposition 38:

- Grants public school students an opportunity for fairness and equity.
- Not obligated to mandatorily accept special education students into nonpublic schools.
- Local school districts will be assisted relative to fair share of encroachment costs.
- Provide an opportunity for parents of students with special needs to broaden their choices.



- Establishes the constitutional legal precedent for students to be placed in special education programs through recommendations made by school districts or court intervention.

Ms. Burness clarified she did not represent the California Teachers Association and was at the Commission meeting to represent the Association of School Administrators and the “No on 38 Campaign.” Ms. Burness has been the special education representative and Chair of Special Education and Pupil Services Committee for seven years. The following were some oppositions to Proposition 38:

- Almost no accountability or standards either academic or physical required in the language.
- Discrimination of children with disabilities.
- Public schools would become even more under funded.
- Encroachment would go up and there would be a fiscal issue for the schools and students.
- Additional cost to California
- The most disadvantaged students will not be helped.
- Reimbursement would first be for new students attending private schools (particularly in kindergarten). Students currently in private schools would be able to take \$3 billion out of the California budget. This would seriously impact California.
- A significant loss in federal dollars—special education, Title 1 dollars.
- Would limit ability for Legislature to make decisions about private schools. Currently budget decisions by the Legislature are made by a two-thirds approval requirement. This would require a three-quarter-approval requirement.
- Private schools would be able to dismiss any student.

#### Rebuttals:

Mr. Bennett identified three issues of rebuttal. 1) There is no misunderstanding regarding 56% of students who were in programs that they should not be in. 2) There was no obligation except to be able to serve the justice statement that “parents are the primary educators of their children.” 3) Low-income parents would be extended the opportunity to choose.

Ms Burness’ rebuttals included: 1) Mr. Bennett’s list of items that included private schools that were subject to set language was not the way the Proposition read. Per Ms. Burness, the Proposition stated, “some kind of nationally known test.” It was progress against other students’ progress. 2) The rest of the list was very limited compared to the list of responsibilities toward accountability public schools have been working very hard on. 3) Encroachment will in fact increase. 4) The issue of 56% of students in special education due to inability to read, was a Los Angeles Unified School District item and was not true of the state of California. 5) “No” on Proposition 38 was not a denial of a parent’s right to choose. Parents have always had the right to choose schools. Ms. Burness reiterated the need to prioritize students in public schools and that did not take away parents’ rights to choose alternatives.

#### Questions/Comments:

Mr. Bennett clarified the statistics he quoted previously were from the *Los Angeles Times*, December 12, 1999.

A question: Will a mandate be accepted that stated all IDEA regulations will be accepted?

Mr. Bennett responded that at the present time, there was no language in the Proposition that would force acceptance of mandates.

Would a student in special education who requires \$25,000-\$30,000 in services for the year, without the above mandates, still be served after school? No.

A concern was voiced that students, with learning disabilities, who do go to a private school and are removed from that private school and sent back to the public school, would be devastated.

**M/S/C 00-09-02**

**THE ADVISORY COMMISSION ON SPECIAL EDUCATION EXPRESSES ITS CONCERN THAT PROPOSITION 38 WILL IMPACT ON CHILDREN WITH SPECIAL NEEDS, SPECIFICALLY DENYING THEM ACCESS TO VOUCHER SCHOOLS AND DENYING THEM PROTECTIONS GUARANTEED BY THE INDIVIDUALS WITH DISABILITIES ACT (IDEA) AND CALIFORNIA SPECIAL EDUCATION LAW.**

**Siegel/Wyatt**

Commission's position on the above Motion: In favor – 6, Oppose – 3, Abstained – 2.

**Alternate Assessment Program: Mark Fetler, Consultant, California Department of Education**

briefed the Commission on recent developments regarding alternate assessment of students in special education: Some of the topics covered included:

- IDEA '97 Requirement – develop participation guidelines for children with disabilities in alternate assessments for those children who cannot participate in state and district-wide assessment programs. These guidelines are posted on the web under [www.cde.ca.gov/spbranch/sed/altassmt.pdf](http://www.cde.ca.gov/spbranch/sed/altassmt.pdf)
- Participation - Alternate to the state Standardized Testing and Reading (STAR) Program in grades 2-11
- Include 1-2% of students who participate in primarily functional or life-skills programs.
- Administration – Began on July 1, 2000 and is based on the Individualized Education Program (IEP). Results are recorded and reported to parents, teachers and the state.
- State Reporting – Reporting has begun alongside California Special Education Management Information System (CASEMIS) and will be fully integrated in the next several years. Districts have begun to gather participation data to be completed by June 30, 2001. Performance data will begin on July 1, 2001 and reporting of data by June 30, 2002.
- Participation Criteria in the Revision – Included extensive instruction in multiple settings, substantial adjustments to general curriculum, instruction did not match regular assessments and required support for post-school living. These criteria were adapted from those used in Long Beach, California.
- Phase I Goal Areas – Included communication, self-care, independent living, motor skills, mobility, functional academics, vocational skills, social/emotional behavior, recreational/leisure, among others.

- Scoring Rubric – Consisted of level of progress and mastery of goal such as beginning (no progress), transitional (1-49% of goal), intermediate (50-99% of goal), and competent (goal met or exceeded).
- Phase II Goal Linkage – Identify linkage to curriculum standards like English-Language arts, mathematics, history-social science, health education, among others.
- Phase II Goal Validation – Identify data sources on teacher observation, parent feedback, independent assessment and others.
- Proposed Timeline – Phase I has now been implemented; report of participation due on June 30, 2001; draft revision due January 2001; Phase II by July 1, 2001; and report performance by June 30, 2002.

Larry Belkin, Chief, Special Education Services, Orange County Department of Education, added there was statewide training in California to improve the method of collecting data and what was being taught relating to curriculum. The next project will be to provide support for teachers and for evaluators of teachers.

Questions/Comments:

Is this an alternative assessment to the STAR test for special education students?

Response: Alternative assessments are for 10-20% of special education students. The focus has been on one alternate assessment for a small percentage of students involved in functional curriculum.

Is the alternate assessment for 3-21 years of age only?

Response: No, all students are assessed, however, only report on second grade through high school level.

A question was voiced regarding students who were exempt during grade school, and not exempt from taking high school exit exams before graduating.

It was commented that the use of Braille for the STAR test caused certain items that have graphics to be left out. Although there are methods to ensure the graphics were left in, the publisher had not yet put them into place.

**M/S/C 00-09-03**

**"I MOVE THAT THE COMMISSION WRITE A LETTER TO THE STATE DEPARTMENT OF EDUCATION REQUESTING THEY STRONGLY ENCOURAGE THE PUBLICATION OF THE STAR-9 TEST TO PROVIDE THE TEST IN BRAILLE AND THAT THE SCORES OF THE STUDENT USING THE BRAILLE BE INCLUDED IN THE SCORES OF ALL STUDENTS.  
Wyatt/Kaltenborn**

Rationale: Braille users should have their test scores included with all other student scores.

As there was no opposition, the motion carried.

**Evaluation of Strategies to Improve the Identification of Students with Severe Learning**

**Disabilities:** Davis Raske, Professor of Special Education, California State University, Sacramento and Devena Reed, Consultant, California Department of Education, provided the Commission with handouts describing results of a statewide Specific Learning Disability (SLD) Discrepancy Workgroup that convened in May, June and July 2000. The purpose of the workgroup was to guide the development and support implementation of California legislation and regulatory changes in the SLD eligibility criteria Title 5 California Code of Regulations Section 3030j.

The workgroup had three objectives:

1. Assess the present consequences for identification of California pupils suspected of having a learning disability.
2. Consider policy recommendations that lead to improved local practices for individual assessment and evaluation.
3. Develop written recommendations for state-level guidelines and possible legislation.

Several recommendations by the CDE were discussed; including that California implement all elements in federal regulations concerning severe discrepancy criteria. (See handout)

Two recommendations resulted from the SLD Discrepancy Workgroup activities:

1. SLD classification
  2. Intervention and instructional support
- (See handout)

Ms. Reed stated she drafted a request for application for the discrepancy pilot project and submitted it to Dr. Vince Madden, Manager, Assessment Evaluation System? Unit, Special Education Division. In addition, Mr. Raske and Ms. Reed will attend upcoming conferences to provide information on the alternative assessment process and kinds of in-service programs available. A copy of the final document will be presented to Dr. Alice Parker and then to the Commission.

**Comments ensued:**

A suggestion was made that parents be apprised of other methods to assess students in addition to the numeric process.

Chair Aronin commented that one of the strongest points resulting from the SLD Workgroup was the intervention portion and what was being done in general education programs regarding the preventive aspect of it. Three areas of concern were covered: 1) Too many students are being recommended for severe learning disability, 2) A very large number of ethnic students are being recommended, 3) Training teachers in measuring students' progress, analyzing the problem, doing further intervention. By the time the students get referred, steps have been taken to really make an informed decision. Chair Aronin complimented David Raske and Devena Reed on their presentation.

**Discussion: November 2000 Stakeholders' Meeting:** Commissioner Siegel requested that Commissioners provide additional names to add to the Stakeholder mailing list. In addition, Chair Aronin requested confidentiality regarding the stakeholder list.

**Discussion: November Recognition Dinner:** Chair Aronin stated there would be a dinner recognizing Commissioners who have retired from the Commission and requested a volunteer to assist in planning the dinner, sending invitations, agenda, menu, etc. Commissioner Shirley Kaltenborn agreed to receive the checks for the dinner. She will pay the final dinner fee out of the Commission's account. Commissioner Kaltenborn explained that each Commissioner paid \$25.00 toward the account and she was responsible for overseeing the account.

Staff Liaison Janet Canning announced she had a digital camera to take individual pictures of Commissioners for the Commission web site.

Since there was no further business, the meeting adjourned at 4:30 p.m.

**Friday, September 29, 2000**

**Commission Members Present**

Loeb Aronin, Chair  
Allison Brightman  
Angela Hawkins  
Julie Kennedy  
Barbara Monroe  
Linda Wyatt

Louis Cassani, Vice-Chair  
Patricia Flores-Charter  
Shirley Kaltenborn  
Janet Mangini  
Lawrence Siegel

**Commission Members Absent**

Karla Geller  
Judith Plasencia-Peinado

Veronica Lomeli

**Student Member Present**

Danielle Morin

**Student Members Absent**

Shawn Mohammed  
Sam Ogami

**Legislative Members Absent**

Susan Davis, Assembly Member

Charles Poochigian, Senate Member

**Governor's Office, Deputy of Education K-12, Liaison Absent**

Christine Aranda

**State Board of Education Liaison Absent**

Susan Hammer

Kathryn Dronenburg

**Department of Education Staff Present**

Ronald S. Kadish, Director,  
State Special Schools

Alice Parker, Executive Secretary  
Director, Special Education Division

**Department of Education Staff Present**

Janet Canning, Staff Liaison

Yolanda Starr, Commission Secretary

**Friday, September 29, 2000**

**CALL TO ORDER**

Chair Loeb Aronin called the meeting to order at 8:30 a.m. Roll was taken and a quorum was present.

**ANNOUNCEMENTS**

Chair Aronin announced he received a notice of proposed rule making from Department of Rehabilitation. There will be a hearing on November 6, 2000 and Chair Aronin requested a Commissioner take responsibility to present to the Commission on the rules that needed change, and problems or complaints. Staff Liaison Janet Canning suggested Commissioner Linda Wyatt since she was co-liaison on the Vocational Educational Joint Advisory Committee.

Chair Aronin reminded Commissioners to make their reservations at the Holiday Inn Express in Newark for the October meeting.

There will be a tour of the California School for the Blind and student presentations at the Commission meeting.

**Special Education Division Report: Quality Assurance Program (QAP) Update:**

**Dr. Alice Parker, Director, California Department of Education**, updated the Commission on the Corrective Action Plan with the U. S. Department of Education, Office of Special Education Programs (OSEP). All the tasks delineated in the Corrective Plan had been completed and submitted. The final report was due and submitted on June 30, 2000. Dr. Parker shared with the Commission copies of letters between OSEP and CDE regarding special conditions imposed on California's FFY 2000 Part B Grant Awards by OSEP. The first letter in the packet was the grant award letter for California. Dr. Parker stated the letter jeopardized the \$530 million of federal Part B funding. The second letter was from State Superintendent of Public Instruction Delaine Eastin to Judith Heumann as a response to the first letter. The third letter in the packet was Judith Heumann's response to the State Superintendent. (See handout)

Dr. Parker stated she met with Senator Deirdre "Dede" Alpert's staff, Department of Finance staff, and Interim Secretary for Education John Mockler. It was decided that CDE outline the special conditions set forth and write a letter specifying agreement or disagreement on each condition.

In addition, Dr. Parker shared a synopsis of the special conditions outlined in the first letter from Judith Heumann. (See handout)

Dr. Parker listed various items the Special Education Division needed to improve on:

- Inner rater reliability so all consultants would investigate the same kind of evidence to assure that certain things have occurred regarding compliance.
- Clarity in amount and kind of local training.
- Reduce number of reviewed records.
- Coverage of all the Least Restrictive Environment (LRE) regarding age forms and

- supplemental forms on low incidence disabilities, second language learners, pre-school, high school, transition categories.
- New method to eliminate duplicate items.
- Forms, policies and procedures to be sent to the SED rather than reviewing at the district.
- Improve findings statements to be consistent with all Focused Monitoring and Technical Assistance (FMTA) units and from consultant to consultant.
- Improve Corrective Action statements and coordinate communication across SED to have a clearer function of a district's complaint and verification findings.
- Continuous monitoring in 2001-2002 (monitoring workgroups have been working this year to help improve the process.)

Dr. Parker commented OSEP had given a verbal agreement that CDE would do 55-65 reviews instead of 100. However, a written response due by September 25, 2000 had not been received. Dr. Parker stated even though a response had not been received, SED was moving forth in accomplishing the items listed in the State Superintendent's letter of August 31, 2000.

Stakeholders will be meeting with Dr. Parker the week of October 2, 2000 and will be apprised of the findings of the Quality Assurance Process of 1999. In addition, discussion will be on what educational benefit is and how to measure and replicate it throughout California.

There were six states, territories or entities that the federal government sent letters of special conditions to: California, New Jersey, Massachusetts, Pennsylvania, District of Columbia and the Virgin Islands.

Dr. Parker stated the data SED collected to be in compliance and the letters would be on the Special Education Division's web site at: <http://www.cde.ca.gov/spbranch/sed>.

In addition, Dr. Parker stated the hiring process to fill the 32 positions by January 1, 2001 was in progress. If they are not filled, the positions will be lost. Flyers announcing the positions were handed out to the Commissioners and audience.

A task force on LRE has been implemented and a presentation will be made to the Commission in either the October or November 2000 meeting. Issues consist of best practice for information and guidance for districts, parents and advocates in California. There will be an evaluation form for LRE for the state, local districts and schools.

A task force to investigate Part C regarding infants and toddlers will also be implemented and Dr. Parker requested that a Commissioner be involved in the task force. Currently, the state is receiving \$30 million for infants and toddlers. Fully funded, it would receive more than \$99 million.

The CDE will be redesigning its statewide accountability system. Special Education Division staff will be involved in all aspects of the redesign, under Chief Deputy Superintendents' Scott Hill's and Leslie Fausset's leadership. The new system will involve procedural guarantee and educational benefits for students based on key performance indicators. In addition, an accountability system will be developed



that would cause less intrusion into districts at multiple times. This would be designed as a stakeholder group that the State Superintendent will be implementing.

Questions/Comments:

Commissioner Angela Hawkins commented that inner rater reliability was already being practiced in her district. She cited an example of Muffin Kent, Consultant, Special Education Division, who become involved in making sure that all districts were under the same compliance criteria.

A question pertained to collaboration inclusion for students. Dr. Parker stated that for some children, collaboration and inclusion was not the least restrictive environment. The federal statute stated that the general curriculum was reviewed first regarding accommodations and support services for the student. This was something the task force would be reviewing.

**State Special Schools Division Report:** **Dr. Ron Kadish, Director, California Department of Education**, welcomed Julie Kennedy and Patricia Flores-Charter to the Commission and provided an update on events occurring in the State Special Schools' programs and Division office.

- The California School for the Blind's (CSB) jazz band played at the IAS conference in Sacramento.
- Members of the Sobranto Foundation visited CSB and are interested in funding a Sensory and Art Garden on CSB's campus. This project is sponsored by the CSB Parents and Friends Association and is scheduled to be completely funded by private donations. Of the \$100,000 needed, \$15,000 has been raised.
- The CSB hosted the Low Incidence and Disabilities Advisory Committee (LIDAC) meeting on September 23. CSB also will be hosting the Advisory Commission meetings on October 18-20, 2000.
- A job placement program has begun at the CSBF and eloan.com,? through the Transition Partnership Program (TPP), and three students are working on the web site.
- Twenty students from California School for the Deaf, Fremont (CSDF) will be going to Europe for 13 days in the spring.
- The Diagnostic Centers are nearly fully booked throughout the remainder of the school year for trainings to Local Education Agency (LEA) staff throughout California.
- One of the Diagnostic Center's (DCN's) psychologists traveled to Australia this past summer and provided training to school psychologists on the (WISC-PL).
- The Diagnostic Centers South (DCS) has been providing technical assistance to key management staff from Los Angeles Unified School District in the design of their newly created Student & Family Assistance Centers.
- The Newborn Screening Program officially started in August and screened 200 babies for hearing loss. Seven percent of the parents have refused the screening. Out of the 200 babies assessed, there were no deaf babies identified. An 800 telephone number will be established in the Division to assist parents whose babies are identified with a hearing loss.
- Admissions criteria for the three State Special Schools are being finalized and Dr. Kadish will present it to the Commission upon completion. The document will establish and standardize guidelines of admission between all three schools.
- Dr. Kadish stated State Superintendent of Public Instruction Delaine Eastin had sent out notices requesting nominations for people to serve on a task force that would focus on issues impacting

people who are visually impaired. Dennis Kelleher, Consultant, Special Education Division will be the liaison for this task force.

Comments:

Chair Aronin complimented Dr. Kadish and the progress the State Special Schools have made in providing services to students who are visually and hearing impaired.

**Presentation: High School Exit Exam, Bob Anderson, Administrator of the Standards and Assessment Division,** spoke to the Commission on accommodations pertaining to the High School Exit Exam. On behalf of the State Board of Education, Mr. Anderson asked the Commission for its position on accommodations in relation to the High School Exit Examination. The guiding principle of the High School Exit Exam workgroup was to provide maximum access to the examination for students. Mr. Anderson requested the Commission to consider that students with IEPs or Section 504 plans be allowed to take the high school exit examination with any accommodations identified in the IEP or Section 504 plans as a necessary or formal part of their instructional program. Regulations for this will be drafted in November 2000 and the Commission will be asked for its opinion on the draft.

Comments:

There was concern that the test not become so standardized that it would keep some students from participating.

Chair Aronin stated not enough time was given to staff development.

Dr. Kadish asked what the State Board's direction was regarding the issue and what their ultimate decision would be.

Mr. Anderson stated there had not been a decision due to the anticipation of reviewing the drafted regulations first. In addition, Mr. Anderson requested the Commission to write a letter to the State Board indicating the Commission's consensus on accommodations for the High School Exit Exam.

Chair Aronin stated a Commissioner would attend the State Board meeting in November.

**M/S/C      00-09-04**

**MOVE THAT THE ADVISORY COMMISSION ON SPECIAL EDUCATION  
SUPPORT THE USE OF TEST ACCOMMODATIONS WRITTEN ON THE IEP  
OR 504 PLAN GUIDE TEST ACCOMMODATIONS PROVIDED ON THE  
HIGH SCHOOL EXIT EXAM.**

**Kaltenborn/Monroe**

**PUBLIC INPUT:**

Debbie Baehler, CARS+ President, Janesville, California, thanked the Commission for its support and efforts. Mrs. Baehler distributed the CARS+ newsletter, legislative update and their mass mailer. The next edition of the newsletter will be presented to the Commission at its October meeting. The mass mailer included a survey card and 200 cards had been received. Mrs. Baehler stated the new focus for

CARS+ was to educate parents, teachers, service providers, and to work within the parameters of the system. CARS+ is encouraging talking to legislators personally about issues regarding special education.

**Stakeholder Letter: Commissioner Allison Brightman**, stated the letter to the Stakeholders inviting them to attend the October meeting was being finalized. An agenda will be included with the letter as well as a response form.

## **LEGISLATIVE/FINANCE COMMITTEE**

**Legislative Update: Paul Hinkle, Consultant, Special Education Division, California Department of Education**, updated the Commission on the developments regarding funding Part B of IDEA. The Senate Committee on Health, Education, Labor and Pensions passed SB 2341 authored by Senator Judd Gregg of New Hampshire. Mr. Hinkle stated this bill was identical to HR 4055 (Goodling). The bill was passed by voice vote and referred to the Senate. On September 14, 2000, Congressman Bass introduced HR 5180, a bill that would mandate funding Part B at the 40% level by 2006. Mr. Hinkle distributed copies of a message that SEACO and SELPA sent to members of the California Congressional delegation asking that mandatory full funding of Part B at the 40 percent authorized level be provided as part of the agreement for the Fiscal Year 2001. (See handout)

Mr. Hinkle stated the Commission might consider writing a letter as well to the California Congress Members on this date.

### **State Legislative Update**

Mr. Hinkle highlighted vetoed bills on his Legislative Update handout dated September 28, 2000.

AB 609 (Wildman) Braille instruction for special education-vetoed 9/22/00

AB 1879 (Cunneen) Pupil Curricula: brain and spinal injury-vetoed 9/7/00

AB 1940 (Papan) Performance goals and indicators on special education-vetoed 9/22/00

AB 2055 (Dickerson) School finance in special education-vetoed 9/26/00

AB 2392 (Corbett) Foster parents in special education services-vetoed 9/22/00

SB 1320 (Escutia) Pupil Health-diabetes-vetoed 9/28/00

SB 1633 (Alpert) Omnibus bill on special education-vetoed 9/26/00

### **Signed bills**

AB 1324 (Zettel) Credentialed employees-signed 7/10/00

AB 1795 (Dutra) Special education-signed 7/19/00

AB 2185 (Gallegos) Eye pathology screening for newborns-signed 9/7/00

AB 2321 (Mazzoni) Special education pilot project for alternative due process-signed 9/23/00

AB 2524 (Washington) Emotionally disturbed minors' services-signed 7/19/00

SB 1330 (Alpert) Assumption program of loans for education-signed 9/23/00

SB 1452 (Wright, C.) Child welfare: Mental Health-signed 9/19/00

SB 1549 (Poochigian) Education: School personnel-signed 9/1/00

SB 1843 (Solis) Special education-signed 9/1/00

SB 1856 (Figueroa) The California School for the Deaf-signed 9/8/00

SB 1914 (Poochigian) Charter schools: Denial of petitions-signed 7/5/00  
(See handout)

Bill Content Changed – bills whose content was changed from their original intent. The Commission would no longer consider these bills.

Mr. Hinkle announced the new legislative session would convene on December 4, 2000. This would be for the 2001-2002 regular session.

Comments:

Commissioner Cassani asked for a motion to write a letter to support the federal special education finance bills.

M/S/C 00-09-05

**MOTION THAT THE COMMISSION FAX A LETTER TO EACH CALIFORNIA CONGRESSPERSON TO SUPPORT USC 1411 ET SEQ. THIS SHOULD BE DONE AS SOON AS POSSIBLE AND COPY COMMISSIONERS.  
Cassani/Flores-Charter**

The motion carried as there was no discussion.

Commissioner Siegel stated the stakeholders' meeting in October would be scheduled for Thursday from 1:00 p.m. to 5:00 p.m. instead of Wednesday. It was decided to have Commissioners contact by phone five or six stakeholders to invite them to the meeting.

**Tracking Legislation: Caitlin O'Halloran, Legislative Representative, California Department of Education**, provided the Commission handouts on the legislative process in making a bill into law, guidelines for preparing bill analyses, example of a bill, how to access legislative information on the internet and a glossary of legislative terms. (See handouts)

Ms. O'Halloran stressed it was important to review a bill's analysis before visiting a legislative committee. In addition, Ms. O'Halloran commented amendments of bills were lined through.

Ms. O'Halloran spoke about the role of the Governmental Affairs Office. The Office relies on program staff to provide information on issue areas regarding the bills. Information is reviewed and the program office is advised what position it should take. Program staff is requested to write an analysis of a bill. The Governmental Affairs Office tracks 800 bills for the Department. In addition, Ms. O'Halloran stated Bob Shotts (916) 657-2280, in the Government Affairs Office was the contact person for information on bills.

As there was no further business, the meeting adjourned at 11:40 a.m.